

IC 31-33-2

Chapter 2. Establishment and Duties of Local Child Protection Service

IC 31-33-2-1

Establishment by county offices of family and children

Sec. 1. (a) Each county office of family and children shall establish within the county office of family and children a local child protection service to carry out this article.

(b) In counties with populations greater than one hundred thousand (100,000), the child protection service must be a separate organizational unit administered and supervised by a person reporting directly to the county office of family and children.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-2

Duties of local child protection service

Sec. 2. The local child protection service:

- (1) must have sufficient qualified and trained staff to fulfill the purpose of this article;
- (2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;
- (3) must provide training to representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and
- (4) must provide training to representatives of the child protective services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Constitution of the State of Indiana.

As added by P.L.1-1997, SEC.16. Amended by P.L.70-2004, SEC.12.

IC 31-33-2-3

Powers and duties

Sec. 3. (a) Except in cases involving a child who may be a victim of institutional abuse or cases in which police investigation also appears appropriate, the local child protection service is the primary public agency responsible for:

- (1) receiving;
- (2) investigating or arranging for investigation; and
- (3) coordinating;

the investigation of all reports of a child who may be a victim of known or suspected child abuse or neglect.

(b) In accordance with the local plan for the child protection services, the local child protection service shall, by juvenile court order:

- (1) provide protective services to prevent cases where a child may be a victim of further child abuse or neglect; and
- (2) provide for or arrange for and coordinate and monitor the provision of the services necessary to ensure the safety of children.

(c) Reasonable efforts must be made to provide family services designed to prevent a child's removal from the child's parent, guardian, or custodian.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-4

Notice of existence of photographs, x-rays, and physical medical examination reports

Sec. 4. The local child protection service shall give notice of the existence and location of photographs, x-rays, and physical medical examination reports to:

- (1) the prosecuting attorney; and
- (2) the appropriate law enforcement agency, if the law enforcement agency has not already received the items described in this section under IC 31-33-10-3.

As added by P.L.1-1997, SEC.16. Amended by P.L.197-1999, SEC.2.

IC 31-33-2-5

Access to photographs, x-rays, and physical medical examination reports

Sec. 5. Photographs, x-rays, or physical medical examination reports shall be made available to:

- (1) the law enforcement agency having jurisdiction;
- (2) the county office of family and children;
- (3) the prosecuting attorney;
- (4) the guardian ad litem; or
- (5) the court appointed special advocate appointed by the juvenile court;

for use in any judicial proceeding relating to the subject matter of a report made under this article and, to the extent permissible under the Indiana Rules of Trial Procedure, to the adverse party in any proceeding arising under this article.

As added by P.L.1-1997, SEC.16. Amended by P.L.197-1999, SEC.3.

IC 31-33-2-6

Cooperation of public and private agencies

Sec. 6. (a) The local child protection service shall cooperate with and shall seek and receive the cooperation of appropriate public and private agencies, including the following:

- (1) Law enforcement agencies.
- (2) The courts.
- (3) Organizations, groups, and programs providing or concerned

with services related to the prevention, identification, or treatment of a child who may be a victim of child abuse or neglect.

(b) The local child protection service shall also cooperate with public and private agencies, organizations, and groups that provide family services designed to prevent a child's removal from the child's home.

(c) Cooperation and involvement under this section may include the following:

- (1) Consultation services.
- (2) Planning.
- (3) Case management.
- (4) Public education and information services.
- (5) Utilization of each other's facilities, staff, and other training.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-7

Joint or multiple county child protection service; contract with adjacent county's office of family and children

Sec. 7. (a) County offices of family and children located in adjacent counties may establish a joint or multiple county child protection service to carry out this article.

(b) A county office of family and children may contract with the county office of family and children of an adjacent county to provide child protection services to carry out this article.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-8

Purchase of services of public or private agency

Sec. 8. (a) Notwithstanding any other law, the child protection service may purchase and use the services of any public or private agency if adequate provision is made for continuity of care and accountability between the local protection service and the agency.

(b) If the local child protection service purchases services under this article, the state shall reimburse the expenses, to the extent allowed by state and federal statutes, rules, and regulations, to the locality or agency in the same manner and to the same extent as if the services were provided directly by the local child protection service.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-9

Judicial review of director's decisions

Sec. 9. The decisions of the director under this chapter are judicially reviewable under IC 4-21.5-5.

As added by P.L.1-1997, SEC.16.